REMARKS

I.   Overview of the Office Action

Claims 1-3, 6-12, 14-16, 19-22, 24-26, 28, 29, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wen (U.S. Patent No. 6,341,959) in view of Shimura (U.S. Patent Application Publication No. 2002/0059031).

Claim 4, 17, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wen in view of Shimura, and further in view of Braunberger (U.S. Patent Application Publication No. 2003/0077559).

Claim 5 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wen in view of Shimura, and further in view of Polanyi (U.S. Patent Application Publication No. 2003/0093275).

Claim 13, 23, and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wen in view of Shimura, and further in view of McElwrath (U.S. Patent Application Publication No. 2004/0009462).

II.   Amendments To The Specification

Applicants note that the bibliographic data reflects incorrect title in the present application. Accordingly, it is respectfully requested the present title be replaced with the submitted amended title.

III.   Prior Art Rejections
A.   Rejection of claims 1-3, 6-12, 14-16, 19-22, 24-26, 28, 29, and 31

Claims 1-3, 6-12, 14-16, 19-22, 24-26, 28, 29, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wen (U.S. Patent No. 6,341,959) in view of Shimura (U.S. Patent Application Publication No. 2002/0059031).

Claim 1 recites among other elements: "the first examination chart has inspection sentences in which a character group constituting a story including color words each representing color is tinted with plural colors, ..., the second examination chart has a combination of plural questions concerning contents of the inspection sentences and plural answers which are prepared for each question..."

Wen describes creating an updatable database including a story. The database is flexibly updated with the contents that the user wishes to learn about. The problems for learning a language are designed based on the updated collection. This helps aid the language learning process. (Col. 1, lines 23-39). The words from the sentences are removed and the sentences are displayed with the blanks. The selection problem is made by finding three other words in the database similar in form, meaning, grammatical correctness, or pronunciation. The learner is asked to select a correct answer to fill in the blanks to complete a sentence. (Col. 4, lines 19-27, 47-63).

Therefore, Wen teaches creating problems by providing a selection of words to fill in the blanks to provide sentences. Wen does not teach or suggest providing a combination of plural questions concerning contents of the inspection sentences. The subject matter of Wen is to challenge the learner to select a correct word from the presented selection of words, which selected words would thereby form a correct sentence. Additionally, the story of Wen is not specifically made up of color words, as claimed.

Shimura describes testing dementia with a chart including characters in color. The characters form words that represent the color of the characters. (Paragraphs 146, 147).

Shimura discloses a word color discerning test which is a test in which a list of words (kanjis) respectively tinted with different colors and representing colors are shown to a subject, and the subject is allowed to determine whether the word (kanji) and its color are matched or mismatched. (Fig. 4). But it is a list of colored color words (kanjis) as shown in Fig. 4 of Shimura that are shown to the subject in Shimura, not colored color words in inspection sentences, as claimed.

Further, in Shimura, the testee is tested on contents of the sentences and also on the characters identification. (Paragraph 152, Figs. 5 and 6). As far as Shimura teaches inspection sentences, the words in these sentences are not color-coded. The character identification test relates to recognition of the specific character, such as a, b, c, etc., in the sentences.

As described in paragraph 12 of the specification of the present application, inspection sentences make it possible to obtain evaluation with respect to the attention distributing ability required to pick up color words representing colors from the inspection sentences, and evaluation with respect to the attention distributing ability required to determine whether color represented

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by a color word and color of the color word match with each other or not (the effect of the first examination chart). Further, the inspection sentences also make it possible to obtain evaluation with respect to the attention distributing ability required to understand and memorize the contents of the inspection sentences (the effect of the second examination chart). With this, it is possible to carry out a test having high difficulty level as compared with the above-described Shimura's word color discerning test.

In summary, Shimura does not teach or suggest the first examination chart including inspection sentences constituting a story, in which sentences include colored color words each representing color tinted with plural colors, as claimed.

Moreover, there is no teaching, suggestion, or motivation to combine Wen with Shimura.

As discussed above, Wen presents partial sentences with blanks and challenges the learner to select a correct word as a fill-in. The basic content is derived from multiple texts and articles, and thus is not conducive to a severely limited set of texts which include color words and colored words. Moreover, if Wen is modified with Shimura, the blanks will be replaced with the colored words. Each of these aspects render Wen unsatisfactory for its intended purpose.

Additionally, if Shimura is modified with Wen, the dementia testing system will be using sentences with removed words. This will render Shimura inoperable for the reading comprehension effects, since the context of the sentences would be eliminated.

Accordingly, neither Wen, nor Shimura, teaches or suggests at least "the first examination chart has inspection sentences in which a character group constituting a story including color words each representing color is tinted with plural colors, ..., the second examination chart has a combination of plural questions concerning contents of the inspection sentences and plural answers which are prepared for each question," and also there is no teaching, suggestion, or motivation to combine these two references.

Therefore, **claim 1 and dependent claims 2, 3, and 6-12** are patentable over Wen and Shimura.

Independent **claims 14, 26, and 31** each recites features similar to those recited in claim 1. Therefore, **claims 14, 26, and 31** are patentable at least for the reasons similar to those

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discussed above regarding claim 1. Dependent **claims 15, 16, 19-22, 24, 25, 28, and 29** are patentable at least by virtue of their dependencies.

B.   Rejection of claims 4, 5, 13, 17, 18, 23, 27, and 30

Claims 4, 17, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wen in view of Shimura, and further in view of Braunberger (U.S. Patent Application Publication No. 2003/0077559); **Claims 5 and 18** are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wen in view of Shimura, and further in view of Polanyi (U.S. Patent Application Publication No. 2003/0093275); **Claims 13, 23, and 30** are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wen in view of Shimura, and further in view of McElwrath (U.S. Patent Application Publication No. 2004/0009462).

Claims 4, 5, and 13 depend on claim 1. Wen and Shimura do not meet all of the features of claim 1. Neither Braunberger, Polanyi, nor McElwrath compensates for any deficiency of these references. Therefore, **claims 4, 5, and 13** are patentable at least by virtue of their dependencies.

Claims 17, 18, and 23 depend on claim 14. Wen and Shimura do not meet all of the features of claim 14. Neither Braunberger, Polanyi, nor McElwrath compensates for any deficiency of these references. Therefore, **claims 17, 18, and 23** are patentable at least by virtue of their dependencies.

Claims 27 and 30 depend on claim 26. Wen and Shimura do not meet all of the features of claim 26. Neither Braunberger, nor McElwrath compensates for any deficiency of these references. Therefore, **claims 27 and 30** are patentable at least by virtue of their dependencies.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.
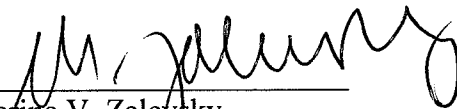
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